

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3019
)	
V.)	
)	
ELIZABETH A. VANCE,)	MEMORANDUM
)	AND ORDER
Defendant.)	
_____)	

The defendant appeals from Judge Zwart's order of detention dated June 2, 2010. (Filings 32 and 33.) I reviewed the appeal and I have listened to the digital audio of that hearing.

I find and conclude that Judge Zwart's order of continued detention was both legally and factually correct. Indeed, Judge Zwart's demeanor and decision were compassionate, thorough and thoughtful. Furthermore, Judge Zwart directed the Pretrial Services Officer to try to secure a suitable inpatient placement for the defendant to address the defendant's serious addiction problem. In addition, Judge Zwart also took steps to insure that while in jail the defendant receive needed medical care and medications regarding the defendant's cancer and the defendant's depression.

To the degree that the defendant desires to enter the Stephen Center HERO program, there is no evidence that the Stephen Center would take the defendant *at this time*. Moreover, there is no showing in the appeal papers that such a placement is a sufficiently secure inpatient program and thus no showing that such a placement would protect the interests of the public. Finally, there is no showing that the Pretrial Services Officer has been asked to investigate the proposed Stephen Center placement.

Therefore, and without prejudice to reconsideration by Judge Zwart, or the filing of a defense motion directed to Judge Zwart proposing a specific plan for release that has been reviewed by the Pretrial Services Officer,

IT IS ORDERED that the appeal (filing 40) is denied.

DATED this 16th day of June, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge